

United States Courts
Southern District of Texas
FILED

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE
SOUTHERN DISTRICT OF TEXAS
Houston Division

JUN 03 2014

David J. Bradley, Clerk of Court

IN RE:) Chapter 7 Case
MAXWELL T. & WANI MAI C. DUNCAN) Adv. Proc. Number: _____
Debtor)
) FILED
) at
) Date: _____
MAXWELL T. & WANI MAI C. DUNCAN ,)
Plaintiffs)
v.)
ARNE DUNCAN)
JAMES L. PRESTON)
RAYMOND J. QUINLAN)
SALLY MASON)
GAIL AGRAWAL)
MOHELA)
PHEAA (PA HIGHER ED ASSIST AGENCY))
FEDERAL LOAN SERVICING)
EDFINANCIAL SERVICES)
SALLIE MAE)
NORTHWESTERN UNIVERSITY)
UNIVERSITY OF IOWA)
KIRKWOOD COMMUNITY COLLEGE)
U.S. DEPARTMENT OF EDUCATION,)
Creditors/Defendants.) **COMPLAINT**

Complaint to Determine Dischargeability of Student Loan (Educational Loans)

Plaintiffs, Maxwell T. & Wani Mai C. Duncan, for their complaints, state and allege as follows:

PARTIES AND JURISDICTIONS

1. The Debtor filed this case under Chapter 7 of the bankruptcy code on June 2, 2014. This court thus has jurisdiction over this action pursuant to 28 U.S.C. §1334. This proceeding is thus a core proceeding within the meaning of 28 U.S.C. §157(b)(2)(I).

2. The Plaintiffs are individuals and Debtors in a Chapter 7 voluntary bankruptcy case filed on June 2, 2014.
3. The Plaintiffs reside in Fort Bend County in the State of Texas. They reside at 3114 Mulberry Ranch Drive, Katy, TX 77494 for now but will receive all correspondences at ACCTTAXLAW, 1400 Broadfield Blvd. Suite 200-17, Houston, TX 77084. Plaintiffs' social security numbers have been disclosed to the court on the appropriate schedules in their Chapter 7 voluntary petition.
4. Defendants' addresses are given in the creditors' matrix of Plaintiff's Chapter 7 voluntary petition. Claims held against the Plaintiffs by Defendants (Creditors) are also shown in Schedule C of Plaintiffs' Chapter 7 voluntary petition.

FACTUAL ALLEGATIONS SUPPORTING ALL CLAIMS FOR RELIEF

5. Some of the unsecured debts owing by the Debtor and listed in Schedule F are owing to:
 - A. **Federal Loan Servicing (Credit) (PHEAA PA Higher Education Assistance Agency)** – **James L. Preston**, President and Chief Executive Officer, is the overall party or individual responsible for this lender.
 - B. **Northwestern University** (Law School)(Private Loan)(CMPPNTRS)
 - C. **EDFinancial Services (UFCU)(US Department of Education Contractor)** - U.S. Secretary of Education, **Arne Duncan**, is the overall party or individual responsible for this lender.
 - D. **MOHELA (US Department of Education Contractor)** - U.S. Secretary of Education, **Arne Duncan**, is the overall party or individual responsible for this lender.
 - E. **Sallie Mae (Exam/Study Loans) - Raymond J. Quinlan**, Chief Executive Officer, is the overall party or individual responsible for this lender.
 - F. **U.S. Department of Education Direct Loans (Systems)** – U.S. Secretary of Education, **Arne Duncan**, is the overall party or individual responsible for this lender.
 - G. **Sallie Mae – Raymond J. Quinlan**, Chief Executive Officer, is the overall party or individual responsible for this lender.
 - H. **U.S. Department of Education** – U.S. Secretary of Education, **Arne Duncan**, is the overall party or individual responsible for this lender.
 - I. **University of Iowa (College of Law)(Private Loan)** – Dean of the Law School, **Gail Agrawal** and President of the University, **Sally Mason** are the overall parties or individuals responsible for this lender.
 - J. **Widener University**
 - K. **Kirkwood Community College – Mick Starcevich**, President, is the overall party or individual responsible for this lender.

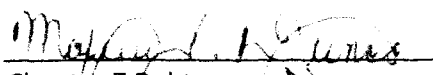
- L. **PHEAA** (PA Higher Education Assistance Agency) – **James L. Preston**, President and Chief Executive Officer, is the overall party or individual responsible for this lender.
6. The Defendants (Arne Duncan, James L. Preston, Mick Starcevich, Gail Agrawal, Sally Mason, Raymond J. Quinlan, Widener University and Northwestern University) are the responsible for the overall operations of these lenders or are the lenders themselves.
7. The loan was incurred to pay expenses at various schools: Widener University College, Widener University, Howard Community College, Kirkwood Community College, University of Iowa, University of Iowa College of Law, and Northwestern University Law School.
8. The Debtors have three children with various disabilities including Autism, Asperger's Syndrome, Bipolar Disorder, Dissociative Identity Disorder, Grand Mal Epilepsy Seizure Disorders, Hyperthyroidism and Schizophrenia,. As a consequence of these various illnesses, Debtors spend a lot of time at various hospitals, mental facilities and therapists. Debtors are very challenged to keep in the employ of others due to family commitments relative to the children illnesses. It is expected that the three children would continue with these illnesses throughout the lives. Debtors consequently engage in self-employment tax preparation and bookkeeping services. Debtors' income from these activities is insufficient to pay these student loans and other obligations while sustaining themselves. Excepting the student loans from discharge would pose undue hardship on Debtors and their three disabled children.

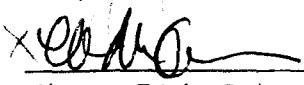
CLAIM FOR RELIEF
(11 USC §523(a)(8))

9. The illnesses in Debtors' family and associated financial adversity are not of a temporary but permanent nature. It would be unconscionable to force Debtors to repay these loans. If Debtors are forced to repay these student loans, Debtors would not be able to maintain a minimal standard of living for themselves and their disabled dependent children given Debtors current income and expenses. Most, the lion's share, of these loans are over 10 years old. We cannot repay all the student loans despite our good faith effort to do so.

WHEREFORE, the Debtors, Maxwell T. and Wani Mai C. Duncan, pray that this court enter an order declaring the student loan debts of the Debtors to be dischargeable in this bankruptcy case.

Dated: June 2, 2014



Chapter 7 Debtor


Chapter 7 Joint Debtor (Spouse)
Wani Mai C. Duncan